

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANE EDWARD JOHNSON,

Defendant.

CR 21-94-BLG-DLC

ORDER

On June 30, 2022, Defendant Shane Edward Johnson filed pro se documents with the Court. (Doc. 56.) On September 6, 2022, Mr. Johnson filed two additional pro se documents. (Docs. 83, 91.) These documents were prepared and signed by Mr. Johnson, acting pro se. However, it is not clear to the Court what Mr. Johnson's purpose is in filing these documents and the Court declines to respond.

A defendant has the right to represent himself in a criminal trial and he has the right to the assistance of counsel. *Faretta v. California*, 422 U.S. 806, 819 (1975); *Powell v. Alabama*, 287 U.S. 45, 66 (1932). However, “[a] criminal defendant does not have an absolute right to both self-representation *and* the assistance of counsel.” *United States v. Bergman*, 813 F.2d 1027, 1030 (9th Cir.

1987). The Court may allow a defendant to proceed under such hybrid representation, but that decision rests “within the sound discretion” of the Court. *Id.*

Mr. Johnson is presently represented by counsel and has not requested or been granted the right to hybrid representation. By filing pro se documents with the Court, Mr. Johnson engages in hybrid representation without first seeking the Court's permission. The Court, therefore, declines to consider Mr. Johnson's pro se filings. *See Abdullah v. United States*, 240 F.3d 683, 686 (8th Cir. 2001) (“A district court has no obligation to entertain pro se motions filed by a represented party.”); *see also United States v. Tracy*, 989 F.2d 1279, 1285 (1st Cir. 1993) (“A district court enjoys wide latitude in managing its docket and can require represented parties to present motions through counsel.”).

Accordingly, IT IS ORDERED that unless and until this Court relieves counsel, Mr. Johnson may not file documents in this action pro se.

IT IS FURTHER ORDERED that any future documents from Mr. Johnson, acting pro se, will be discarded without filing.

DATED this 8th day of September, 2022.



Dana L. Christensen, District Judge
United States District Court